

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JAVON JOHNSON, :
:
Plaintiff, : 22-CV-9601 (VSB)
-against- :
:
KENNETH REECE, :
:
Defendant. :
:
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ORDER

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on November 10, 2022, (Doc. 1), and filed an affidavit of service on November 30, 2022, (Doc. 6). The deadline for Defendant to respond to Plaintiff's complaint was December 8, 2023. (See Doc. 6.) On April 5, 2023, because Defendant had not appeared or responded to the complaint, I entered an order directed Plaintiff to seek default judgment before April 19, 2023, or else I "may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." (Doc. 7.) On April 19, 2023, Plaintiff filed a proposed certificate of default, which the Clerk's Office notified Plaintiff was deficient. (Doc. 8.) On April 24, 2023, Plaintiff had not properly sought default judgment, so the case was dismissed without prejudice pursuant to Rule 41(b). (Doc. 9.)

On May 1, 2023, Plaintiff moved to reopen the case, (Doc. 10), which I granted on May 12, 2023, (Doc. 11). In my order reopening the case, I explained that "Defendant must answer or otherwise respond to the Complaint on or before Friday June 2, 2023. If Defendant fails to do so, Plaintiff is directed to seek default judgment in accordance with my Individual Rules and Procedures in Civil Cases on or before Friday June 16, 2023." (Doc. 11.) On June 13, 2023 Plaintiff filed proof of service, (Doc. 13), a proposed clerk's Certificate of Default, (Doc. 14),

and a declaration in support of the proposed clerk's Certificate of Default, (Doc. 15). The Clerk's office entered the Certificate of Default that same day. (Doc. 16.) Pursuant to my Individual Rules and Procedures, after obtaining a Certificate of Default, Plaintiff was to “[p]repare an Order to Show Cause for default judgement” and provide an attorney's affidavit, a proposed default judgment, copies of all the pleadings, a copy of the affidavit of service, and the Certificate of Default from the Clerk of Court. (Individual Rules & Practices in Civil Cases Vernon S. Broderick, United States District Judge Attachment A.) Plaintiff has not followed this procedure, as they have not submitted anything after the Certificate of Default was entered. Plaintiff is hereby ordered to cure these deficiencies on or before Friday June 30, 2023 or this case will be dismissed again for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: June 21, 2023
New York, New York



VERNON S. BRODERICK
United States District Judge